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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,153

09/23/2003

Mark C. Nicely

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2854

79646

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04/06/2009

Weaver Austin Villeneuve & Sampson LLP - IGT

Attn: IGT

P.O. Box 70250

Oakland, CA 94612-0250

EXAMINER

DUFFY, DAVID W

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

04/06/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,153	<b>Applicant(s)</b> NICELY ET AL.	
	<b>Examiner</b> DAVID DUFFY	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. This office action is in response to the amendment filed 12/16/2008 in which applicant amends claim 1 and cancels claims 9-17, 19-20 and 24-27. Claims 1-8 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 6-12, 14, 19-20, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy; Daniel A. (US 5116055 A).

4. In regards to claim 1, Tracy discloses a system for managing a progressive jackpot including an interface (fig 1, elements 6), and a progressive engine for maintaining a progressive game (fig 1, element 3), the progressive management device being coupled by the interface to a first gaming system and a second gaming system, where the systems have difference progressive parameters (fig 2), the first set of parameters including a percentage of a wager amount to be applied to a progressive jackpot (fig 2, % to JP), the progressive management system operable to receive an incoming wager where a portion of the incoming wager is to be applied to the progressive jackpot (3:12-30), determine an odds of winning the progressive jackpot such that a product of a wager amount necessary to participate in a progressive, the reciprocal of the odds of winning is equal for the first and second game system based on the gaming system associated with the wager amount (4:33-35 and 5:7-15) and for

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each wager comparing the odds of winning to a random number to determine whether the progressive is won (3:35-38, where the gaming machines determine the outcome for each wager based on a random number and notify the progressive controller). Tracy does not explicitly disclose that the progressive management device controls the generation of numbers to determine winners of the progressive or that a new jackpot percentage is determined.

5. However, it would have been an obvious modification to one of ordinary skill in the art at the time of invention that the outcome generation of the local game machines could have been controlled by the central progressive controller in order to centralize the game functions, reduce the complexity of the local devices and improve security, and thereby reduce the maintenance needs and expenses as evidenced by Vancura, Olaf et al. (US 20030181231 A1) (par 9).

6. While Tracy is silent as to the frequency of the determination of the contribution percentage, it would be obvious to a person of ordinary skill in the art that the percentage should be updated whenever the game parameters change, such as a change in the hit frequency of a game which would alter the amount contributed to the pool per jackpot, in order to maintain the balance of the contribution to the bonus pool by each gaming device as set forth in the disclosure of Tracy.

7. In regards to claim 2, Tracy discloses the management device further comprises an analysis engine operable to examine a plurality of gaming systems and progressive parameters (fig 1, element 3) and an integrator operable to integrate progressive games having different payout parameters into a single progressive jackpot (fig 1, elements 7).

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Tracy does not disclose that the parts are included in the progressive controller; however, it would have been obvious to one of ordinary skill in the art that the functionality of the translators may be incorporated into the progressive controller in order to simplify the system and thereby reduce the maintenance required by the system since it is immaterial where the software that performs this function resides.

8. In regards to claim 3, Tracy discloses the management device is coupled through a network (fig 1).

9. In regards to claims 6 and 7, Tracy discloses that the progressive manager device provides information on the progressive to the user gaming interface in real time (3:22-30, where the display is updated constantly as wagers are placed).

10. In regards to claim 8, Tracy discloses resetting the value of the progressive when a user wins (3:35-41).

11. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy; Daniel A. (US 5116055 A) in view of Torango; Lawrence J. (US 6241608 B1).

12. In regards to claims 4-5, Tracy discloses the system of claim 1 above but does not disclose real time currency conversion.

13. In related prior art, Torango discloses an international progressive system with real time currency conversion (17:22-43). One skilled in the art would recognize the advantages of a progressive with a large group of players to support large, frequent jackpots and the need to convert different currencies into the local currency.

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14. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Tracy in view of Torango to have included real time currency conversion to enable a much larger player base to support large, frequent jackpots.

### ***Response to Arguments***

15. Applicant's arguments filed 12/16/2008 have been fully considered but they are not persuasive. Applicant argues that Tracy has constant hit frequency. Examiner respectfully disagrees. Tracy expressly discloses that the hit frequency may be adjusted to balance the contributions of various gaming machines as described above.

16. Applicant additionally argues that Itkis does not provide sufficient evidence that centralizing progressive operations reduces maintenance or expenses. Examiner disagrees, but nevertheless has provided additional evidence by way of Vancura that centralized progressives were recognized to have reduced security and therefore maintenance requirements (par 9). Additionally as each terminal would lack complex progressive hardware, examiner again asserts that maintenance costs would be reduced by having simpler devices.

### ***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID DUFFY whose telephone number is (571) 272-1574. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./

Examiner, Art Unit 3714

/Corbett Coburn/  
Primary Examiner  
AU 3714